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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
ROSEN, NICHOLAS D	
ART UNIT	PAPER NUMBER
3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/667,272	BRIA ET AL.	
	Examiner	Art Unit	
	Nicholas D. Rosen	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-31* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *16 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-31 have been examined.

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it is 262 words long, substantially exceeding the proper length. Correction is required. See MPEP § 608.01(b).

Claim Objections

Claims 1-10 and 22 are objected to because of the following informalities: In the sixth line of claim 1, “first webpage” should be “initial webpage” for the sake of consistency and unambiguous recitation. Appropriate correction is required.

Claim 3 is objected to because of the following informalities: “selection content” should presumably be “selection of content”. Appropriate correction is required.

Claim 6 is objected to because of the following informalities: "customer's satisfaction" is slightly ambiguous between the particular customer for which there is antecedent basis, and customers in general; it should therefore be either "the customer's satisfaction" or "customers' satisfaction". Appropriate correction is required.

Claim 9 is objected to because of the following informalities: "from competitors offering similar products or services" should be "from similar products or services offered by competitors". Appropriate correction is required.

Claims 11 and 22 are objected to because of the following informalities: In the sixth line of claim 11, "different than" should be "different from". Claim 11 also has two clauses beginning "c)", the second of which will be treated for examination purposes as beginning "d)". Appropriate correction is required.

Regarding claim 12, Examiner wishes to inquire whether "custom", in the first line of claim 12, is intended to be "customer".

Claim 19 is objected to because of the following informalities: "from competitors offering similar products or services" should be "from similar products or services offered by competitors". Appropriate correction is required.

Claims 21 and 22 are objected to because of the following informalities: In the seventh line of claim 21, "different than" should be "different from". Appropriate correction is required.

Claims 25-31 are objected to because of the following informalities: In the seventh line of claim 25, "an purchase processing station" should be "a purchase processing station". Appropriate correction is required.

Claim 27 is objected to because of the following informalities: There should not be an extra period preceding the claim language. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23 and 24 rejected under 35 U.S.C. 102(e) as being anticipated by Arganbright et al. (U.S. Patent 6,980,962). As per claim 23, Arganbright discloses a method of progressively advancing a potential customer through a series of customer interest level stages toward a stage of becoming an advocate who promotes a given product or service for which he had been merely a customer, comprising: (a) generating promotional material of interest and accessible to the customer (Abstract; column 2, line 16, through column 3, line 36); (b) within the material, providing a choice of multiple stages of progressively higher interest level and segregated within the material to allow the customer to gravitate toward his current level of interest, said initial content including entry material associated with stages of higher interest level (ibid.; and column 25, line 55, through column 26, line 36; column 26, line 48, through column 29, line 8, with particular reference to lines 36-42 of column 27, as well as lines 19-36 of column 26);

and (c) directing the customer from his current level of interest to a customer-selected stage of higher interest level via at least one category of the entry material associated with the higher interest levels, wherein the material includes content satisfying the internet customer's higher interest level progressively toward the stage of becoming the advocate (ibid.; column 45, line 64, through column 46, line 29).

As per claim 24, Arganbright discloses that the display of segregated content represents a category interest level including at least promotion of the product or service to others (ibid., as applied to claim 23 above).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-10

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (U.S. Patent 6,381,597). As per claim 1, Lin discloses a method of progressively advancing an Internet customer through a series of customer interest level stages toward a highest stage, comprising: (a) generating a website of interest accessible by one or more internet customers; (b) within the website, providing an initial webpage of interest for the internet customer, wherein the initial webpage includes a display of segregated content representing a choice of multiple stages of progressively higher interest level found on a separate webpage of interest associated with each stage of higher interest level, the initial webpage including a link to each webpage of interest; (c) directing the internet customer to a customer-selected stage of higher interest level via the link to the associated webpage of interest found on the initial webpage, wherein the associated webpage includes content which presumably satisfies the internet customer's higher interest level (by providing such information as item descriptions and prices for a customer interested in a specific item, or actual ordering information for a customer whose interest has reached the stage of a decision to order) (column 3, lines 51-65).

As per claim 2, Lin discloses item descriptions and prices, which may be found through a search engine that accepts user input in the form of keywords (column 3, lines 51-65), the chosen keywords presumably representing at least one of the internet customer's wants, the internet customer's preferences, the internet customer's felt needs, the internet customer's actual needs, and the internet customer's selection of a product or service consistent with his actual needs.

Claims 3, 8, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 2 above, and further in view of official notice. As per claim 3, Lin does not expressly disclose providing a link to an order taker webpage allowing the internet customer to obtain the selected product or service (although the mention of "Ordering information" is quite suggestive), but official notice is taken that it is well known for e-commerce websites to include links to order taker webpages allowing internet customers to obtain selected products or service. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a link, for the obvious advantage of profiting from the sale of products and/or services.

As per claim 8, Lin discloses "item descriptions and prices" on webpages of interest, but does not expressly disclose a discussion of features and benefits of at least one product or service available to the internet customer through the website; however, official notice is taken that it is well known for catalogs and other sales literature to include discussions of features and benefits of at least one available product or service. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a discussion of features and benefits of at least one product or service available to the internet customer through the website, for the obvious advantage of making the customer more likely to purchase the product or service.

As per claim 9, Lin does not disclose providing on at least one of the webpages of interest, a discussion differentiating the products or services offered at the website

from competitors offering similar products or services, but official notice is taken that it is well known for advertising to include discussions differentiating advertised or offered products or services from competitors offering similar products or services. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a discussion, for the obvious advantage of persuading customers of the advantages of ordering the products or services offered at the website instead of similar products or services offered.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 1 above, and further in view of official notice. Lin does not disclose the step of directing an internet loiterer outside the website, but official notice is taken that it is well known for websites to have external links, which internet loiterers may be tempted to click on, thus being directed outside the website. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to direct an internet loiterer outside the website, for the obvious advantage of directing people to external websites which the webmaster thinks worthy of attention.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 2 above, and further in view of Lippiner et al. (U.S. Patent Application Publication 2002/0147776). Lin does not disclose that the internet customer's evaluation content comprises the step of providing a link to a survey webpage where the customer's satisfaction level is evaluated through a questionnaire, but Lippiner teaches a survey webpage where a customer's satisfaction with his or her experience of

visiting one or more websites of interest is evaluated through a questionnaire (Abstract; paragraphs 38, 45, and 50). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a link to a survey webpage where the customer's satisfaction level is evaluated through a questionnaire, for the stated advantage of monitoring the preferences of web site visitors.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and Lippiner as applied to claim 5 above, and further in view of official notice. Neither Lin nor Lippiner discloses using the customer evaluation to improve the website to increase customers' satisfaction in future visits, but official notice is taken that it is well known to use customer evaluations to make changes so as to increase customers' satisfaction in future. Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use the customer evaluation to improve the website to increase customers' satisfaction in future visits, for the obvious advantage of increasing sales by means of a more pleasing, easier to navigate, or otherwise superior website.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 1 above, and further in view of Kolke, Jr. (U.S. Patent Application Publication 2002/0147625). Lin does not disclose securing referrals of other potential Internet customers, but it is well known for a customer survey to include securing referrals of other potential customers, as taught, for example, by Kolke (e.g., paragraph 8). Hence, it would have obvious to one of ordinary skill in the art of electronic

commerce at the time of applicant's invention for the evaluation content to comprise securing referrals of other potential Internet customers, for the obvious advantage of profiting from the purchases made by other potential customers.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 2 above, and further in view of Bezos et al. (U.S. Patent 6,917,922). Lin does not disclose a webpage of interest where the internet customer can either check whether an order has been fulfilled, check a status of an order, or change the order, but it is well known to provide webpages where customers can check the status of an order, change an order, or check whether an order has been fulfilled, as taught by Bezos (Figure 2; column 7, lines 39-59). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a webpage, for the obvious and implied advantages of selling additional products, assuring customers that their ordered products are on the way, arranging satisfactory measures if a product has not been shipped, etc.

Claim 11

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (U.S. Patent 6,381,597) in view of official notice. Lin discloses a method of progressively advancing an internet client through a series of client interest level stages towards a highest stage of customer interest level, each stage represented by an associated webpage, comprising: (a) providing a list of resources on at least one of the webpages (the menu), each resource having a link to one or more webpages providing content satisfying a specific market interest the client may have, wherein each webpage details

an interest different from those detailed on the other webpages (column 3, lines 51-65). Lin does not expressly disclose providing a list of resources on each of the webpages, but official notice is taken that it is well known for each webpage in a website to have a list of resources, e.g., other webpages; hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a list of resources on each of the websites, for the obvious advantage of assisting the internet client in opening appropriate further webpages.

Lin discloses (b) directing the internet client to an initial webpage of market interest having content related to a first level of interest (column 3, lines 51-65) (e.g., the disclosed site directory); and (c) directing the internet client to a second webpage of market interest having content related to a second level of market interest higher than the first level of market interest (column 3, lines 51-65) (e.g., a disclosed lower level webpage with item descriptions and prices). Lin implies (d) using each webpage or resource list to direct the internet client to a successive webpage having content of progressively increasing market interest to the internet client (column 3, lines 51-65), but does not disclose including content for discouraging returning to a lower stage of market interest. However, official notice is taken that it is well known to provide content encouraging desired actions (e.g., placing an order, or adding an item to a shopping cart) and discouraging undesired or questionable actions (e.g., by asking "Are you sure?"). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to discourage returning to a lower stage of

market interest, for the obvious advantage of encouraging the internet client to make purchases.

It is further noted that the limitation of "including content for discouraging returning to a lower stage of market interest" could be met by non-functional descriptive matter. E.g., if a webpage on an e-commerce site included the words, "Only a total dweeb would click on the back button," that would be content for discouraging returning to a lower stage of market interest, but would not be functionally distinguished from other words displayed on a web page, and would therefore not be grounds for patentability.

Claims 12-20

Claims 12, 13, 14, 15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (U.S. Patent 6,381,597) in view of official notice. As per claim 12, Lin discloses a method of progressively advancing a customer through a series of customer market level stages towards a highest stage, comprising: (a) providing a location of commerce offering a products or services, or both, and accessible by one or more clients (column 3, lines 51-65); (b) within the location of commerce, providing an initial stage of market interest for the client, wherein the initial stage includes a choice of multiple stages of progressively higher market interest level found at separate areas within the location of commerce, each area being associated with one stage of higher market interest level, the initial stage including a path to each area of interest (column 3, lines 51-65) (e.g., the disclosed site directory); and (c) migrating the client to a customer-selected stage of higher market interest level via information offered at the

initial stage of market interest and directing the client to the area associated with the customer-selected stage, wherein the associated area includes content satisfying the internet customer's higher market interest level as selected (column 3, lines 51-65). Lin does not disclose providing content discouraging returning to a lower stage of market interest. However, official notice is taken that it is well known to provide content encouraging desired actions (e.g., placing an order, or adding an item to a shopping cart) and discouraging undesired or questionable actions (e.g., by asking "Are you sure?"). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to discourage returning to a lower stage of market interest, for the obvious advantage of encouraging the internet client to make purchases.

Lin does not expressly disclose (d) acquiring the client as a buyer at the location of commerce through one of the stages of market interest, but the disclosure of "Ordering information" (column 3, lines 51-65) implies this, as the would be no occasion for ordering information id the client were not acquired as a buyer. Lin does not expressly disclose (e) retaining the buyer as an engaged customer by providing follow up information or making directed inquiries related to market interest, but official notice is taken that endeavoring to retain buyers as engaged customers by providing follow up information or making directed inquiries related to market interest is well known, e.g., by sending follow up and advertising emails to persons who have bought product and/or services from e-commerce websites. Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do this, for

the obvious advantage of generating further sales. The same practice can qualify as (f) capitalizing on the acquired buyer by encouraging repeat business with the location of commerce, making (f) obvious on the same grounds.

It is further noted that the limitation of "providing content discouraging returning to a lower stage of market interest" could be met by non-functional descriptive matter. E.g., if a webpage on an e-commerce site included the words, "Only a total dweeb would click on the back button," that would be content discouraging returning to a lower stage of market interest, but would not be functionally distinguished from other words displayed on a web page, and would therefore not be grounds for patentability.

As per claim 13, Lin discloses areas within the location of commerce, wherein the disclosed site directory including a search feature may be regarded as corresponding to the client's wants, and the area at a lower level of the hierarchy including item descriptions and prices may be regarded as corresponding to the client's actual needs, or at least the available products which come closest in actuality to meeting those need, and the ordering information may be presumed to imply a client's selection of a product or service consistent with actual needs (column 3, lines 51-65), official notice being taken that selection of products and/or services from a website (e.g., by adding items to an electronic shopping cart) is well known.

As per claim 14, Lin does not expressly disclose providing an encounter with an order taker allowing the client to obtain the selected product or service (although the mention of "Ordering information" is quite suggestive), but official notice is taken that it is well known for e-commerce websites to include means for allowing clients to obtain

selected products or service. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such an encounter, for the obvious advantage of profiting from the sale of products and/or services.

As per claim 15, Lin does not disclose the step of directing a non-client loiterer outside the location of commerce to the benefit of the non-client loiterer, but official notice is taken that it is well known for websites to have external links, which internet loiterers may be tempted to click on, thus being directed outside the website; and if the person thus directed elsewhere is not a client, he presumably finds the outside website more interesting or useful than an e-commerce location, where he finds nothing to buy at a price he is willing and able to pay (otherwise, he would not be a non-client). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to direct a non-client loiterer outside the location of commerce to the benefit of the non-client loiterer, for the obvious advantage of directing people to external websites which the webmaster thinks worthy of attention.

As per claim 18, Lin discloses "item descriptions and prices" on webpages of interest, but does not expressly disclose a discussion of features and benefits of at least one product or service available to the client offered by the location of commerce; however, official notice is taken that it is well known for catalogs and other sales literature to include discussions of features and benefits of at least one available product or service. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a discussion

of features and benefits of at least one product or service available to the client offered by the location of commerce, for the obvious advantage of making the client more likely to purchase the product or service.

As per claim 19, Lin does not disclose providing at one of the areas of market interest, a discussion differentiating the products or services offered at the location of commerce from competitors offering similar products or services, but official notice is taken that it is well known for advertising to include discussions differentiating advertised or offered products or services from competitors offering similar products or services. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a discussion, for the obvious advantage of persuading customers of the advantages of ordering the products or services offered at the location of commerce instead of similar products or services offered.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and official notice as applied to claim 13 above, and further in view of Lippiner et al. (U.S. Patent Application Publication 2002/0147776). As per claim 16, Lin does not disclose that the client's evaluation content comprises the step of providing a survey where the customer's satisfaction level is evaluated through a questionnaire, but Lippiner teaches a survey webpage where a customer's satisfaction with his or her experience of visiting one or more websites of interest is evaluated through a questionnaire (Abstract; paragraphs 38, 45, and 50). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention

to provide a survey where the customer's satisfaction level is evaluated through a questionnaire, for the stated advantage of monitoring the preferences of web site visitors.

As per claim 17, a client evaluation is obvious in view of Lippiner, as set forth above in regard to claim 16. Neither Lin nor Lippiner discloses using the customer evaluation to improve the location of commerce to increase the client's satisfaction in future visits, but official notice is taken that it is well known to use client evaluations to make changes so as to increase clients' satisfaction in future. Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use the customer evaluation to improve the website to increase the client's satisfaction in future visits, for the obvious advantage of increasing sales by means of a more pleasing, easier to navigate, or otherwise superior website.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin and official notice as applied to claim 12 above, and further in view of Bezos et al. (U.S. Patent 6,917,922). Lin does not disclose providing an area of market interest where the client can either check whether an order has been fulfilled, check a status of an order, or change the order, but it is well known to provide webpages where customers can check the status of an order, change an order, or check whether an order has been fulfilled, as taught by Bezos (Figure 2; column 7, lines 39-59). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide such a webpage/area of market interest, for the obvious and implied advantages of selling additional products, assuring customers that their

ordered products are on the way, arranging satisfactory measures if a product has not been shipped, etc.

Claim 21

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (U.S. Patent 6,381,597) in view of official notice. Lin discloses a method of progressively advancing a client through a series of client interest level stages towards a highest stage of client market interest level, each stage represented by an associated area of market interest, comprising: (a) providing a list of resources on at least one of the areas of market interest (the menu), each resource having a link to one or more areas of market interest that provide content satisfying a specific market interest the client may have, wherein each area of market interest details an interest different from those detailed on the other areas of market interest (column 3, lines 51-65). Lin does not expressly disclose providing a list of resources on each of the areas of market interest, but official notice is taken that it is well known for each webpage in a website to have a list of resources, e.g., other webpages; hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to provide a list of resources on each of the webpages, for the obvious advantage of assisting the internet client in opening appropriate further webpages.

Lin discloses (b) directing the internet client to an initial area of market interest having content related to an initial level of interest (column 3, lines 51-65) (e.g., the disclosed site directory); and (c) directing the internet client to a second area of market interest having content related to a second level of market interest higher than the initial

level of market interest (column 3, lines 51-65) (e.g., a disclosed lower level webpage with item descriptions and prices). Lin implies (d) using each area of market interest or resource list to direct the internet client to a successive area of market interest having content of progressively increasing market interest to the client (column 3, lines 51-65), but does not disclose including content for discouraging returning to a lower stage of market interest. However, official notice is taken that it is well known to provide content encouraging desired actions (e.g., placing an order, or adding an item to a shopping cart) and discouraging undesired or questionable actions (e.g., by asking "Are you sure?"). Hence, it would have obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to discourage returning to a lower stage of market interest, for the obvious advantage of encouraging the client to make purchases.

It is further noted that the limitation of "including content for discouraging returning to a lower stage of market interest" could be met by non-functional descriptive matter. E.g., if a webpage on an e-commerce site included the words, "Only a total dweeb would click on the back button," that would be content for discouraging returning to a lower stage of market interest, but would not be functionally distinguished from other words displayed on a web page, and would therefore not be grounds for patentability.

Claim 22

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin as applied to claim 1 above, or Lin and official notice as applied to claims 11, 12, or 21 above, and further in view of May (U.S. Patent 6,421,653). Lin does not disclose that

each stage of interest is assigned a unique color code, but it is well known to assign unique color codes to elements in websites, as taught by May (Abstract). Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention for each stage of interest to be assigned a unique color code, for the obvious and implied advantage of making information about potential selections readily visible to users.

Claims 25-31

Claims 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arganbright as applied to claims 23 and 24 above, and further in view of official notice. As per claim 25, Arganbright discloses providing the customer with services selected from the group including the customer to identified needs (e.g., column 54, lines 11-47); and discloses a purchase processing station (e.g., column 61, lines 31-65). Arganbright implies directing the customer to a positive relationship activity (column 27, lines 36-42), and Arganbright's patent is for the purpose of having customers refer other customers (e.g., Abstract; column 27, lines 18-36; column 27, line 48, through column 28, line 60). Arganbright does not disclose directing a customer to a service operation for resolving negative experiences, but official notice is taken that it is well known to direct customers to service operations for resolving negative experiences. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for the obvious advantage of maintaining customers' goodwill, avoiding publication of dissatisfaction, and correcting the problems that led to negative experiences.

As per claims 26, 27, and 28, Arganbright does not disclose that the functions of directing customers to progressive levels of interest are formed as part of a model incorporating variable amounts of time, money, or time and money to be applied within the functions and yielding a prediction of likely results of marketing activity, but official notice is taken that it is well known to model and predict the expected results of providing variable amounts of resources to be applied to marketing or other activities. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do apply such modeling and predicting to the particular cases listed, for the obvious advantage of determining what marketing activity is likely to be an effective and worthwhile use of resources.

As per claims 29 and 30, official notice is taken that it is well known to use charts with different variables indicated along different chart directions, and in particular (as per claim 30), to show different variables along x and y coordinates. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to use such a chart, for the obvious advantage of making the projected results readily visible and understandable.

As per claim 31, official notice is taken that it is well known to incorporate a variable quantity of potential customers in predicting sales of marketing results. Hence, it would have been obvious to one of ordinary skill in the art of electronic commerce at the time of applicant's invention to do so, for obvious advantages of being able to project likely results for different numbers of potential customers, and judging whether efforts to increase the numbers of potential customers are likely to be profitable.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dayon (U.S. Patent 7,130,879) discloses a system for publishing, organizing, accessing, and distributing information in a computer network. Holtzman et al. (U.S. Patent Application Publication 2001/0027439) disclose a method and system for computerized form completion.

Martin et al. (WO 99/13414 A1) disclose data storage and retrieval. Perry (WO 02/15053) discloses a method and system for adding and updating web site content. Gosling (WO 02/27601 A2) discloses an e-commerce sales support system using a vendor-specific product decision questionnaire.

Kvitka ("Emercis Gives NT Shops Solid Catalog Control") discloses an application for creating and maintaining catalogs. The anonymous article, "Nordstrom.com Unveils New, More Navigable Look," discloses navigating an online catalog. The anonymous article, "Saks Incorporated Announces Launch of saksfifthavenue.com," discloses an online catalog, with navigation and referrals. Craven ("Cinesurf") discloses a Web site without a back butten, where the user must keep going until reaching the end. The two anonymous articles regarding Mercado Software, and beginning with those words, disclose a searchable online catalog. The anonymous article, "Purchase Welding Products Online," dsicloses online shopping in a catalog with search, customization, and recommendation functions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas D. Rosen whose telephone number is 571-272-6762. The examiner can normally be reached on 8:30 AM - 5:00 PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Non-official/draft communications can be faxed to the examiner at 571-273-6762.

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